IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Crl.MC.No. 2227 of 2007()

CC.1342/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

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PETITIONER: IST ACCUSED

SANDHYA P.NAIR, W/O.SANTHOSH KUMAR,
AGED 32 YEARS, SANTHOSH BHAVAN,
EDAVATTOM, VELLIMON P.O., KUNDARA,
KOLLAM DISTRICT.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS: STATE/DEFACTO COMPLAINANT

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1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUDHEENDRA PANICKER, SENIOR MANAGER,
KSFE LTD., EZHUKONE BRANCH, KOLLAM.

R1 BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2227 of 2007

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Dated this the 11th day of July, 2007

O R D E R

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Sections 465 and 120B r/w. 34 I.P.C. The petitioner had come to this Court and by order dt. 9.1.2007 this court had permitted the petitioner to appear before the learned Magistrate through counsel and claim discharge under Section 239 Cr.P.C. Though that order was passed on 9.1.2007 the petitioner now realises that even earlier on 27.12.2006 the learned Magistrate had issued a non-bailable warrant of arrest to procure the presence of the petitioner. The petitioner in these circumstances prays that the petitioner may be permitted to appear through counsel and claim discharge. It is prayed that her personal presence may not be insisted till then. It is further prayed that the warrant of arrest issued against her may be recalled.

2. In the peculiar facts and circumstances of this case, I am satisfied that appropriate directions can be issued in favour of the petitioner. I take note of the submission of the learned counsel for the petitioner that the petitioner was unaware of the warrant of arrest

issued against her and the fact that her counsel had not made application before the learned Magistrate earlier.

3. This Crl.M.C. is accordingly allowed. It is directed that the warrant of arrest issued against the petitioner shall not be executed till 16.7.2007. The petitioner may appear before the learned Magistrate on that day and apply for bail as also exemption from personal appearance till the question of discharge is decided. The learned Magistrate shall consider such application and pass appropriate orders on merits, in accordance with law and expeditiously, on the date of surrender itself.

4. Hand over the order.

(R. BASANT)
Judge

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